

NIXON & VANDERHYE

Fax: 703-816-4100

Dec 20 2004

3:20

P.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 2380-589

RUNE et al

C# M#

TC/A.U.

2681

Serial No. 10/022,830

Examiner: Nguyen, D.

Filed: December 20, 2001

Date: December 20, 2004

Title: CONTROLLING TRANSMISSION OF CELL INFORMATION BETWEEN CONTROL
NODES IN RADIO ACCESS NETWORKFACSIMILE CERTIFICATE

I hereby certify that this Request for Reconsideration and Amendment Transmittal is being transmitted by facsimile to the Patent and Trademark Office on December 20, 2004, specifically to 703-872-9306.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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DEC 20 2004

Sir:


 Signature
 H. Warren Burnam, Jr.
 Reg. No. 29,366

No. of pages transmitted (including this cover sheet): 4 pages

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 Correspondence Address Indication Form Attached.

Fees are attached as calculated below:

Total effective claims after amendment	52	minus highest number			
previously paid for	52	(at least 20) =	0	x	\$ 50.00

Independent claims after amendment	2	minus highest number			
previously paid for	3	(at least 3) =	0	x	\$ 200.00

If proper multiple dependent claims now added for first time, add \$360.00 (ignore improper)					
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Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$120.00/1 month; \$450.00/2 months; \$1020.00/3 months)					
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Terminal disclaimer enclosed, add \$ 130.00					
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<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$790.00)					
<input type="checkbox"/> Please enter the previously unentered , filed					
<input type="checkbox"/> Submission attached					

Subtotal \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract					
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith					

Rule 56 Information Disclosure Statement Filing Fee (\$180.00)					
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Assignment Recording Fee (\$40.00)					
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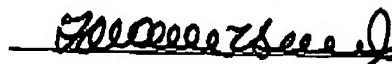
Other:					
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TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: H. Warren Burnam, Jr., Reg. No. 29,366

Signature: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Confirm. No.: 1508

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DEC 20 2004

RUNE et al

Atty. Ref.: 2380-589

Serial No. 10/022,830

TC/A.U.: 2681

Filed: December 20, 2001

Examiner: Nguyen, D.

For: CONTROLLING TRANSMISSION OF CELL
INFORMATION BETWEEN CONTROL NODES IN
RADIO ACCESS NETWORK

* * * * *

December 20, 2004

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR RECONSIDERATION

Responsive to the Official Action dated September 20, 2004, please consider the following remarks relative to patentability of all claims of the captioned application.

Applicants thank the Examiner for the indication of allowability of many of the dependent claims. Upon careful analysis of the entire Office Action, Applicants believe that the sole prior rejection, an alleged anticipation under 35 USC §102(e) premised on US Patent Publication US 2001/0018345 to Longoni et al., is incorrect and should be withdrawn. Applicants' belief is based on the following facts:

1. US Patent Publication US 2001/0018345 to Longoni et al. is based on US Patent Application SN 09/777,751, filed February 5, 2001.

RUNE et al
Serial No. 10/022,830

Atty Dkt: 2380-589
Art Unit: 2681

2. Applicants' captioned application claims the benefit and priority of US Provisional Patent Application 60/260,901, filed January 12, 2001.

3. While Applicants note that the official filing receipt for the captioned application indicates that the domestic priority information is "data inconsistent with PTO records", the US Patent Office has not denied the benefit and has provided no explanation for this filing receipt remark. Applicants verily believe that the priority claim is proper and effective, and have the right to assume that such priority has and will be afforded by the US Patent Office. If such priority is not granted, Applicants request a specific statement to that effect and a detailed explanation of why priority has been denied.

4. Applicants provisional filing date of January 12, 2001 precedes the Longoni US patent application filing date of February 5, 2001.

5. The 102(e) date for Longoni is February 5, 2001. Longoni is not entitled to the filing date of the Longoni PCT application as a 102(e) date since the Longoni PCT application was filed before November 29, 2000. See, e.g.,
<http://www.uspto.gov/web/offices/dcom/olia/aipa/102eflowchart.pdf>. The Longoni PCT application was filed June 6, 2000.

In view of the foregoing and other considerations, the Longoni reference should be withdrawn as a basis of rejection. Such being the case, relative to the prior art of record all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

Applicants reserve the right, should such be necessary, to argue patentability vis-à-vis any presently or subsequently applied prior art reference.

RUNE et al
Serial No. 10/022,830

Atty Dkt: 2380-589
Art Unit: 2681

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,
NIXON & VANDERHYE P.C.

By: H. Warren Burnam, Jr.
H. Warren Burnam, Jr.
Reg. No. 29,366

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